



OFFICE OF THE  
**DISTRICT ATTORNEY**  
COUNTY OF SHASTA



**Stephanie A. Bridgett**  
*District Attorney*

**Benjamin L. Hanna**  
*Chief Deputy District Attorney*

July 9, 2019

Chief Roger Moore  
Redding Police Department  
777 Cypress Ave.  
Redding, CA 96001

Re: August 27, 2018 Officer Involved Shooting  
Redding Police Department case 18-61568  
Shasta County Sheriff case 18-30431/18S041255  
Involved Officers: Officer Joe Rossi, #116  
Officer Kip Kinneavy, #197  
Officer Jay Guterding, #179  
Officer Brett Leonard, #117  
Involved Person: Eric Hames (DOB 8/2/85)

Chief Moore:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer involved shooting incident. For purposes of this review, the district attorney's responsibility is to review the evidence and make a determination as to whether there is sufficient evidence to support the filing of criminal charges. Issues of policy, training, tactics, or civil liability were not considered. For the reasons set forth below, we conclude that the shooting was lawful.

Consistent with countywide officer involved shooting protocol, the lead agency in this investigation was the Shasta County Sheriff's Office with the assistance of the Shasta County District Attorney's Office, the California Highway Patrol, and the Redding Police Department. In conducting the investigation, sheriff's personnel and officers from allied agencies interviewed witnesses and collected physical evidence in an effort to gain a full and complete picture of the events that resulted in the fatal shooting of Eric Hames. The findings of the district attorney are based upon a review of the totality of the materials compiled in the multi-agency investigation.

**FACTUAL SUMMARY**

At around 7:43 on the morning of August 27, 2018, SHASCOM dispatchers began receiving calls from citizens reporting a male subject in the roadway near the intersection of

Churn Creek Road and Cypress Avenue in Redding. All of the reports were consistent with each other and reported a shirtless white male wearing blue jeans acting threateningly and bizarrely in the traffic lanes of the intersection. Callers reported the male yelling at cars and people, simulating a firearm, striking passing vehicles, and engaging in other dangerous and disruptive activity. At least one citizen was able to capture cell phone video of the male's behavior. The video depicts the male moving erratically through the traffic lanes, yelling obscenities and throwing a glass bottle. Several of the 911 callers were later contacted by investigators and confirmed their observations, telling police that the man was jumping in front of vehicles and hitting vehicles. Several witnesses also noted that he had some sort of object in his hand. The involved male would later be identified as Eric Hames.

Redding police officers monitored the information received by dispatchers and headed to the scene. At approximately 7:48 am, Redding Police Officer Joe Rossi arrived on scene. When Officer Rossi arrived on scene, Hames was still in the traffic lane yelling and running at vehicles. Officer Rossi observed Hames holding a knife in his hand. Due to Hames' dangerous behavior and the traffic hazards, Officer Rossi did not immediately get out of his patrol car. Instead, he tried to give Hames commands over his patrol vehicle public address system to "drop the knife". One of the interviewed civilians also reported hearing Officer Rossi order Hames to "drop the knife" several times. The initial arrival of Officer Rossi on scene was captured on the video mentioned above.

Following Hames' contact with Officer Rossi in the roadway, Hames fled toward the Safeway gas station located in the nearby shopping center. Video from the gas station shows Hames running around a vehicle at the gas pumps. Hames approached a citizen at the gas station but diverted from his path of travel when the citizen displayed his legally possessed and holstered handgun.

Hames then left the area of the gas station and crossed Churn Creek Road. Officer Rossi arrived at the gas station soon after Hames fled and citizens directed the officer in the direction he had travelled. Several civilians also attempted to follow Hames.

After crossing Churn Creek Road, Hames fled along Wall Street, which runs parallel to Cypress Avenue. Recovered video footage from various businesses along Wall Street shows Hames fleeing toward Larkspur Lane with citizens and police in pursuit. Hames then turned onto Larkspur Lane and ran south, back towards Cypress Avenue.

By this point, multiple Redding Police officers were in the area attempting to locate Hames. Officers came from the area of Cypress Avenue onto Larkspur and down Larkspur from Wall Street, effectively blocking Hames' path of travel.

Hames stopped moving down Larkspur Avenue at the rear of Domino's Pizza. This location had high resolution video cameras that captured the shooting incident. The video shows a sheath on Hames' belt area and what appears to be a knife in his hand. Cornered by the officers, Hames stops momentarily near air conditioning units at the rear of the pizza restaurant. Officers Guterding, Kinneavy, Rossi, and Leonard formed a semi-circle around Hames at a safe distance, seeking to keep him cornered against the wall of the building. The officers held Hames

at gunpoint. Initially, all officers used their handguns. At one point, however, Officer Kinneavy retrieved a shotgun from his nearby patrol vehicle.

While holding Hames at gunpoint, the officers can be seen giving Hames repeated commands. Hames does not comply with the commands.

After a brief standoff, Hames began to move quickly toward Cypress Avenue and toward the location of Officer Guterding. At this point, the officers fired their weapons, striking Hames and causing him to fall to the ground. Once officers were able to determine that he was no longer a threat, Hames was provided medical attention. He died from his injuries at the scene. Officers located a knife in his hand. A subsequent autopsy determined Hames' cause of death to be a shotgun wound to his chest. There was evidence of multiple wounds from both shotgun and handgun rounds. Toxicological analysis of Hames' blood sample revealed the presence of methamphetamine, THC (marijuana), and alcohol.

During the investigation into the shooting, the scene was processed for physical evidence. The knife that Hames had been holding was collected. Spent shotgun shells and semiautomatic handgun shell casings were also located.

Local law enforcement was familiar with Hames due to prior arrests. Hames had a criminal history which included convictions for assault with a deadly weapon and illegal possession of an explosive. At the time of his death, Hames had criminal cases pending against him which included charges of resisting arrest, disturbing the peace, and vandalism.

### **LEGAL ANALYSIS**

California law allows a peace officer to use reasonable force in order to detain or arrest a person, prevent the person's escape, or overcome the person's resistance if the force used is reasonable and if the officer has reasonable cause to believe that the person has committed a public offense or is a danger to others. (California Penal Code §835a, CALCRIM 2670.)

Under certain circumstances, reasonable force includes deadly force. Use of deadly force by a police officer is appropriate when the officer *honestly and reasonably* believes he or she is in danger of death or great bodily injury. (CALCRIM 505, 507, 3470.) A police officer has the same right of self-defense as any other person. A police officer may also use deadly force in situations where other officers or members of the public are at risk of great bodily injury or death.

Whether force is reasonable is judged from the perspective of a reasonable officer on the scene. The concept of reasonableness should allow for the often split-second decisions that officers are forced to make in rapidly evolving situations. (*Graham v. Connor* (1989) 490 U.S. 386.)

In this case, Mr. Hames was reported by numerous citizens to be behaving in an aggressive and irrational manner in the middle of one of the busiest intersections in Redding at a time of day when there were a large number of members of the public passing through. He was acting dangerously and unpredictably by impeding traffic and chasing and striking vehicles. His actions put himself and the public at risk. Further, he was armed with a knife which made his

actions even more dangerous. Arriving police officers had a duty to stop Hames from his dangerous behavior. As the first officer to arrive, Officer Rossi attempted to defuse the situation. However, instead of complying with Officer Rossi's orders, Hames fled.

Police were now faced with an escalated threat. An armed, irrational, and aggressive man was on the move through a heavily populated area of the city. As he fled from the police, Hames continued acting aggressively, to the point that concerned civilians sought to assist police in apprehending him.

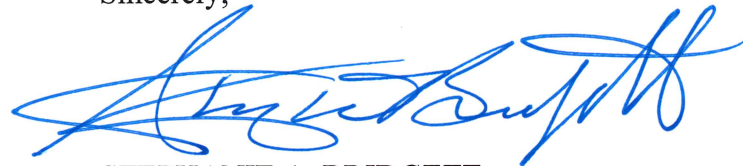
Eventually, additional police officers arrived in the area to allow for the containment of the threat posed by Hames. The arriving officers were able to temporarily stop Hames' movement by surrounding him at the rear of the Domino's Pizza building. The threat posed by Hames did not end there, however. He was still armed with a knife, acting irrationally, and not complying with officers' commands. He was mere feet away from the officers armed with a weapon capable of inflicting injury upon a police officer or a civilian.

It was at this point that Hames chose to ignore the commands and move toward the location of Officer Guterding. When he did so, Hames posed a clear threat to the safety of not only the police officer in his path, but also to the many citizens in the area. The officers present chose to use deadly force to end the threat posed by Hames. Under the totality of the circumstances of this case, the officers' use of deadly force was not unreasonable. Hames posed a clear threat to the safety of the officers and the public and the officers acted appropriately under the circumstances.

### CONCLUSION

Given the circumstances, the officers were justified in their actions. We find the shooting to be lawful and will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT  
DISTRICT ATTORNEY

cc: Tom Bosenko, Shasta County Sheriff  
cc: Officer Joe Rossi, Redding Police Department  
cc: Officer Kip Kinneavy, Redding Police Department  
cc: Officer Jay Guterding, Redding Police Department  
cc: Officer Brett Leonard, Redding Police Department